

O360

LAW OFFICES OF

WILLIAM L. KLIMA

A PROFESSIONAL LAW CORPORATION

Patent, Trademark & Copyright Law

WILLIAM L. KLIMA *

WALTER F. KLIMA, JR., Ph.D., Chemistry
Technical Consultant

*ADMITTED IN PENNSYLVANIA ONLY



2046-C JEFFERSON DAVIS HIGHWAY
STAFFORD, VA 22554
PHONE: (540) 657-9344
FAX: (540) 657-9343

e-mail: commcenter@acupat.com

AFFILIATIONS

FRISENDA, QUINTON & NICHOLSON
73 COUNTRY CLUB LANE
LAS VEGAS, NV 89109
PHONE (702) 369-9772
FAX (702) 792-6727

425 PARK AVENUE
5TH FLOOR
NEW YORK, NY 10022
PHONE (212) 223-1005
FAX (212) 754-6262

ACUPAT SERVICES
STAFFORD, VA

October 15, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No.: 10/055,966; Filed: January 28, 2002
For: **MOTOR VEHICLE TIRES**
Inventor(s): Krag C. SMITH *et al.*
Our Ref: 269-101P-CIP1

Sir:

In response to the **Notice of Omitted Item(s) In a Nonprovisional Application** dated August 30, 2002, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice of Omitted Item(s) in a Nonprovisional Application; and
2. Preliminary Amendment.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17(a)-(g) which may be required during the entire pendency of the application to Deposit Account No. 11-1243. If extensions of time under 37 C.F.R. § 1.136 are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 11-1243.

Respectfully submitted,

William L. Klima

Attorney for Applicants
Registration No. 32,422

Enclosures

F:\SMITH\10-055966\NOTICE.PTO.wpd



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/055,966	01/28/2002	Krag C. Smith	269-101P-CIP

CONFIRMATION NO. 6702

WILLIAM L. KLIMA
 2046-C JEFFERSON DAVIS HIGHWAY
 STAFFORD, VA 22554

FORMALITIES LETTER



OC000000008712793

Date Mailed: 08/30/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **14** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.



T. L. L.
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE